

# **EXHIBIT 372**

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

THE STATE OF TEXAS, ET AL,

Plaintiffs,

vs.

CIVIL NO. 4:20-CV-957-SDJ

GOOGLE LLC,

Defendants.

\_\_\_\_\_/

HIGHLY CONFIDENTIAL

VIDEOTAPED DEPOSITION of NIRMAL JAYARAM, VOLUME II

Redwood City, California

May 21, 2024

9:11 a.m.

Stenographically reported by:

JENNY L. GRIFFIN, RMR, CSR, CRR, CCRR, CRC

CSR No. 3969

1 Do you recall that?

2 A. Yes.

3 MR. BITTON: Objection to form.

4 BY MR. HILLEGAS:

5 Q. When you referred to the two versions of  
6 Project Bell in your declaration, Version 1 was  
7 Global Bernanke; right?

8 MR. BITTON: Objection to form.

9 THE WITNESS: That's my recollection.

10 BY MR. HILLEGAS:

11 Q. Version 2 was what we now know as -- as  
12 Project Bell; correct?

13 MR. BITTON: Objection to form.

14 THE WITNESS: Yes. That's my recollection.

15 BY MR. HILLEGAS:

16 Q. Now, Project Bell engaged in three actions;  
17 right?

18 MR. BITTON: Objection to form.

19 THE WITNESS: So if we are referring to  
20 what you just referred as the second version, yes,  
21 there were three -- three different treatments  
22 applied on publishers that we detected as calling  
23 AdWords multiple times through AdX.

24 BY MR. HILLEGAS:

25 Q. Those three actions were to disable

1 Project Bernanke from bidding, to set a limit on how  
2 high the bid would be based on bids from the prior  
3 week, and that Google Ads would not buy inventory  
4 from the multicaller publishers on third-party  
5 exchanges; right?

6 MR. BITTON: Objection to form.

7 THE WITNESS: That sounds right.

8 (Exhibit 214 was marked for  
9 identification and is attached to the  
10 transcript.)

11 BY MR. HILLEGAS:

12 Q. Now, for this next part, I'm going to --  
13 I'll hand you the declaration. This is State's  
14 Exhibit -- I believe we're at 214. And it is  
15 GOOG-AT-MDL-008842383.

16 And is this the declaration that you wrote  
17 for the Virginia case, sir?

18 A. Yes. It appears so.

19 Q. And if you could go to page 5, which is  
20 Bates Number 387 in the bottom corner.

21 A. Okay.

22 Q. So paragraph 17 is what we were discussing,  
23 and at the end there's a footnote.

24 Do you see that, sir?

25 A. I see it.

1 essentially lower that bid to the optimal value to  
2 be submitted to AdX as well; right?

3 A. Yes.

4 Q. And if Poirot was lowering the bid to be  
5 submitted to AdX, it's applying a multiplier of less  
6 than 1; correct?

7 MR. BITTON: Objection to form.

8 THE WITNESS: At this time the bid was no  
9 longer just a multiplier. But, yes. My expectation  
10 is that the bids that get submitted to the exchange  
11 would be less than the bids that the advertiser  
12 input in the front-end.

13 BY MR. HILLEGAS:

14 Q. When did Poirot start reducing the bids  
15 that were submitted to AdX?

16 A. My expectation is that that would have  
17 happened once AdX shifted to the unified first-price  
18 auction.

19 Q. Do you know when AdX shifted to the unified  
20 first-price auction?

21 A. To my recollection, it was close to  
22 September 2019.

23 Q. You said September 2019?

24 A. Yes.

25 Q. If we can look at paragraph 36 on page 9.

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I, JENNY L. GRIFFIN, hereby certify:

That I am a certified shorthand reporter in and for the County of Alameda, State of California;

Prior to being examined, NIRMAL JAYARAM, PhD, the witness named in the foregoing deposition, was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth; that said deposition was taken pursuant to notice at the time and place therein set forth, and was taken down by me in stenotype and thereafter transcribed by means of computer-aided transcription, and that said deposition is a true record of the testimony given by the witness.

I further certify that I am neither counsel for nor related in any way to any party to said action, nor otherwise interested in the outcome thereof.

In witness whereof, I have hereunto subscribed my name May 22, 2024.



JENNY L. GRIFFIN, CSR #3969

Certified Shorthand Reporter

DECLARATION UNDER PENALTY OF PERJURY

Case Name: The State Of Texas, et al. v. Google LLC

Name of Witness: NIRMAL JAYARAM, PhD

Date of Deposition: May 21, 2024

Job No.: 6710582

I, NIRMAL JAYARAM, PhD, hereby certify  
under penalty of perjury under the laws of the State  
of California that the foregoing is true and correct.

Executed this \_\_\_\_\_ day of

\_\_\_\_\_, 2024, at \_\_\_\_\_.

\_\_\_\_\_  
NIRMAL JAYARAM, PhD

**HIGHLY CONFIDENTIAL**

**ERRATA SHEET FOR THE TRANSCRIPT OF:**

Case Name: *The State of Texas, et al. v. Google LLC*, 4:20-cv-00957-SDJ (E.D. Tex.)

Deposition Date: May 21, 2024

Deponent: Nirmal Jayaram

**CORRECTIONS**

Page	Line	Change	Reason
372	9	Change “First-Place” to “first price”	Transcription error
379	23	Change “range of 0.621” to “range of 0.6-1”	Transcription error
390	18	Change “measure an attribute” to “measure and attribute”	Transcription error
405	24	Change “He” to “Eli Gadd”	Transcription error
464	18	Change “want” to “won”	Transcription error
538	24	Change “was a product analyst” to “was a product analyst lead”	Transcription error
576	11	“unified pricing goals” to “unified pricing rules”	Transcription error

I have inspected and read my deposition and have listed all changes and corrections above, along with my reasons therefor.

Date: 07/15/2024

Signature: Nirmal Jayaram